

1

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

April 13, 2009, Continued

- C057800 THE PEOPLE v. (Not For Publication)**
ELIJAH SHANE PARKER
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment incorporating these modifications and to forward a certified copy to the Department of Corrections and Rehabilitation.
DAVIS, J.*
We Concur: Nicholson, Acting P.J.
Hull, J.
- C057840 THE PEOPLE v. (Not For Publication)**
THOMAS STANLEY LILLY
The judgment is affirmed.
DAVIS, J.*
We Concur: Nicholson, Acting P.J.
Hull, J.
- C058247 THE PEOPLE v. (Not For Publication)**
VADIM ZAKHARCHENKO
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C059096 THE PEOPLE v. (Not For Publication)**
ROBERT W. BRITTON
The judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C059289 THE PEOPLE v. (Not For Publication)**
STEPHEN ARNOLD MOORE
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

April 13, 2009, Continued

- C057765 LEE v. REID et al. (Not For Publication)**
The judgment (order) is affirmed. Swansboro is awarded its costs on appeal.
HULL, Acting P.J.
We Concur: Cantil-Sakauye, J.
Davis, J.*
- C057576 COUNTY OF GLENN v. (Not For Publication)**
ORLAND SAND & GRAVEL CORPORATION
The judgment (order dismissing the amended petition for injunctive relief) is affirmed. Orland Sand & Gravel Corporation is awarded its costs on appeal.
DAVIS, J.*
We Concur: Nicholson, Acting P.J.
Hull, J.
- C059179 In re R.C.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. P.C.
The juvenile court's order terminating reunification services is reversed. The matter is remanded with directions to the juvenile court to order additional reunification services for appellant with the minor.
SIMS, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C056750 EBLEN et al. v. LAKEMONT HOMES INCORPORATED et al.**
BY THE COURT:
Appellants' petition for rehearing is denied.
BLEASE, Acting P.J.
- C057018 CALIFORNIA NATIVE PLANT SOCIETY v. CITY OF RANCHO CORDOVA et**
al.; JAEGER ROAD 530, LLC
BY THE COURT:
Appellant California Native Plant Society's petition for rehearing is denied.
NICHOLSON, Acting P.J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

4

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

April 14, 2009, Continued

- C056440 VAN ALSTYNE v. CARTER et al. (Not For Publication)**
The judgment is affirmed. The trial court's January 13, 2006, orders awarding sanctions in the amounts of \$1,660 and \$1,160 against Van Alstyne and the July 9, 2007, postjudgment order taxing the Carters' expert witness fees are vacated. The matter is remanded to the trial court for a determination of what, if any, monetary sanctions should be awarded, and the reasonableness of the expert witness fees claimed by the Carters. The Carters shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (2) .)
BLEASE, J.
We Concur: Scotland, P.J.
Butz, J.
- C058223 In re JEREMIAH G.; SACRAMENTO (Certified For Partial Publication)**
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. JOANN W.
The orders are affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C059076 In re B.O. et al.; GLENN COUNTY (Not For Publication)**
HUMAN RESOURCES AGENCY v.
MICHELLE O.
The orders of the juvenile court are affirmed.
SCOTLAND, P.J.
I concur: Nicholson, J.
I concur in part I of the majority opinion.
I concur in the result in part II of the majority opinion.
In my view, the juvenile court erred in preventing appellant from calling her son, B.O., as a witness. ...
In my view, application of Evidence Code section 354 precludes reversal of the judgment.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

April 14, 2009, Continued

C059396 In re A.V. et al.; SHASTA COUNTY (Not For Publication)
DEPARTMENT OF SOCIAL SERVICES v.
R.V.

The disposition order is vacated and the matter is remanded for the purpose of providing adequate ICWA notice to the three Cherokee tribes. If any tribe responds that the children are Indian children or eligible for enrollment, the court shall proceed as required by the ICWA. If there is no response to the ICWA notice, or if the tribes or the Bureau of Indian Affairs determine the minors are not Indian children, the court shall reinstate the dispositional order.

SIMS, J.

We Concur: Scotland, P.J.
 Nicholson, J.

C059953 In re M.S.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. C.M.

The order of the juvenile court terminating appellant's parental rights is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.
 Sims, J.

April 15, 2009

C056196 THE PEOPLE v. (Not For Publication)
RICHARD CLIFTON BARTON

Defendant's conviction in count 2 of Shasta County case No. 06F4661 for driving while his license was suspended for a prior driving under the influence conviction ... is reversed. The judgment is otherwise affirmed. ...

DAVIS, J.*

We Concur: Scotland, P.J.
 Blease, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

April 15, 2009, Continued

C058688 THE PEOPLE v. DAVID MARKS (Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Butz, J.

**C059503 THE PEOPLE v. (Not For Publication)
RICKY LYNN BRUBAKER**

The trial court shall prepare a second amended abstract of judgment with the box under item 14 checked for local conduct credits earned pursuant to section 2933.1. A certified copy of the second amended abstract shall be forwarded to the Department of Corrections and Rehabilitation. The judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

**C058864 In re A.N.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. S.M. et al.**

The juvenile court's orders denying appellants' section 388 petitions and terminating parental rights pursuant to section 366.26 are hereby vacated and the matter is remanded to the juvenile court to provide proper ICWA notice to the designated agents for all eight federally recognized Apache Tribes. ... If, however, all tribes determine the minor is not an Indian child, or if no response is received indicating the minor is not an Indian child, or if no response is received indicating the minor is an Indian child, the juvenile court shall reinstate the vacated orders.

RAYE, J.

We Concur: Scotland, P.J.

Butz, J.

April 16, 2009

C058655 PATKINS v. BROWN, as Director, etc. (Not For Publication)

The judgment is affirmed. Plaintiff shall pay the Board's costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (2) .)

HULL, J.

We Concur: Scotland, P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

April 16, 2009, Continued

C060003 In re P.V. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. MELISSA V. et al.

The orders of the juvenile court are affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

April 17, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Morrison, Associate Justice; Robie, Associate Justice; and Horner, bailiff.

C056561 KINSEY v. UNION PACIFIC RAILROAD COMPANY

Cause called. John Furstenthal argued for appellant. Michael L. Johnson argued for respondent. Cause submitted.

At 10:02 a.m., the court recessed. At 2:00 p.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

**C054087 SERVICE EMPLOYEES INTERNATIONAL UNION, et al. v. CITY OF
SACRAMENTO, et al.; SUTTER HEALTH, INC., et al.**

Cause called. John L. Marshall argued for appellants. Ellen J. Garber argued for respondents City of Sacramento, et al.. Whitman F. Manley argued for real parties in interest-respondents Sutter Health, Inc., et al.. Cause submitted.

At 2:32 p.m., the court recessed until 9:30 a.m. on Monday, May 18, 2009.